

**SANDRA G. GURTNER**  
Claimant

**GOOD SAMARITAN CENTER**  
Respondent

**LIBERTY MUTUAL INSURANCE COMPANY**  
Insurance Carrier

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## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the record and considered the arguments of the parties, the Appeals Board concludes the award of the Administrative Law Judge should be affirmed. The Board so finds for reasons stated in the award of the Administrative Law Judge. The Board agrees with, and adopts as its own, the findings and conclusions stated in the award. The Board specifically agrees with the finding that claimant did not prove by a preponderance of the credible evidence that she suffered any permanent disability as a result of the injuries on November 22, 1989.

Claimant also raised an issue regarding entitlement to past medical treatment, including mileage and travel expenses, in both Kansas and Ohio. The Administrative Law Judge awarded claimant medical mileage for trips to authorized physicians only. However, the award does not clarify which medical health care providers were authorized and which were not. After an exhaustive review of the record, the Appeals Board finds the following doctors were authorized:

- (1) Dr. Kelli Chestnut, authorized by the insurance company.
- (2) Dr. Donald Mann, retained by the insurance company.
- (3) Dr. Terrance Tisdale, an IME doctor pursuant to Judge Fuller's order.

The following doctors were authorized by referrals from authorized physicians:

Dr. Chestnut referred claimant to the following physicians: Dr. J. G. Fullen; Dr. Victor Hildyard (claimant's last authorized physician before she relocated to Ohio in 1991); Dr. Viswanantha Kharidi; Dr. Kelly Krohn; Dr. Robert Simpson; Dr. Patrick Stuart; and Dr. Dennis Thakor.

The record verifies the following doctors were not authorized:

Dr. Bernardo Martinez; Dr. David Roos; and Dr. Mark Warta; also Dr. Patrick Hayes who was a referral by Dr. Warta; and Dr. Steven Cremer who was a referral by Dr. Martinez.

Unfortunately, the record is unclear as to whether the following health care providers were authorized:

High Plains Mental Health Center, a referral by Dr. Chestnut to treat claimant for anxiety and depression.

Dr. Stephen Duritsch, who provided a report to the Bureau of Disability Determination in Columbus, Ohio.

Dr. John Alway, Dr. Donald Cameron, Dr. S. Christopher, Dr. David A. Cooley, Dr. Cram, Dr. Thomas Dozier, Dr. Dubay, Dr. Guillermo Gonzales, Dr. Thomas

Goodall, Dr. Susan Hubbell, Dr. W. Bruce Kane, Dr. Robert L. Ketcham, D.D.S., Dr. Chester Kucinski, Dr. LaValley, Dr. C. T. Lin, Dr. McFarlane, Dr. Calvin Morris, Dr. Crystal Oswald, Dr. Powers, Dr. Michael Pyles, Dr. Reddy, Dr. Patrick Ronan, Dr. Terry Roode, Dr. Ross, Dr. Rothstein, Dr. Ruse, Dr. William Seybold, Dr. Jorge Sifuentes, Dr. Otmer Richard Singer, Dr. N. A. Tejano, Dr. Thorp, Dr. Turner, Dr. Patrick Vacarro, Dr. Anita Wantz and Dr. Willard Werner.

The Appeals Board affirms the order of the Administrative Law Judge, authorizing mileage payments for trips to the doctors above listed as authorized or as referrals from authorized doctors. The Appeals Board denies medical mileage for trips to doctors who, according to the record, were clearly not authorized.

With regard to the doctors and health care providers for which their authorized status is unclear, if the question cannot be resolved between the parties, the Appeals Board instructs the parties to return to the Administrative Law Judge for additional hearings.

#### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the award of Administrative Law Judge Pamela J. Fuller dated June 1, 1999, should be, and is hereby, affirmed, in accordance with the explanation above provided.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 2000.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Elmo Lund, Oberlin, KS  
Joseph W. Jeter, Hays, KS  
Pamela J. Fuller, Administrative Law Judge  
Philip S. Harness, Director